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Ruggles, Samuel Bulkley

- add.

THE DUTY

OF

COLUMBIA COLLEGE

TO THE COMMUNITY,

AND ITS RIGHT TO EXCLUDE UNITARIANS FROM ITS
PROFESSORSHIPS OF PHYSICAL SCIENCE,

CONSIDERED BY

ONE OF ITS TRUSTEES.

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N O T E .

THE following communication embraces, with some corrections and additions, the material portions of a letter recently addressed by the writer to one of his colleagues in the Board of Trustees of Columbia College.

It is due to the gentleman addressed by that letter to state, that in acknowledging its receipt, he declared himself unable to perceive the applicability of a large portion of it to himself, the propriety of addressing it to him, or the object of so addressing it.

The object of the letter was solely to invite his co-operation, as a co-Trustee; 1st, In enlarging the scope and invigorating the action of the College; 2d, In remedying the evils suffered by the College from its neglect of Physical Science; 3d, In preventing the exclusion of any candidate from the Professorship of Physical Science, on account of his religious tenets.

The writer can see no breach of propriety, in addressing this or any other communication in respectful language to any of his colleagues, on any matter connected with the great public trust they have undertaken to execute.

He therefore presents his views in the present form, for more convenient examination by others of his colleagues, and he invites them in return to express any opinions they may entertain, if his own shall seem erroneous.

Such an interchange, if it produce no other effect, will serve at least to define and limit the proper responsibility of each.

S. B. R.

March 27, 1854.

Rehman
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NEW-YORK, February 28th, 1854.

DEAR SIR :

The friendship that has so long and so pleasantly subsisted between us, furnishes a sufficient apology for my proposing an interchange of opinions, on a subject in which we have an equal interest, and the same responsibility, and as to which, members of our Board have been so unfortunate as to differ. You will understand, at once, that I refer to Columbia College, of which we have both been Trustees, for so many years.

The sincere respect I feel for your character and motives, will surely prevent my saying any thing needlessly to give offence, and I cannot but think, we are sufficiently alike in age, professional occupation, religious belief, moral and mental habits, and, above all, in our love of truth and justice, to agree sooner or later on any question involving either.

What then, is the matter in difference in our Board? and may not a full and candid examination of the facts and principles involved, serve to bring us more nearly together?

The subject which ostensibly divides us, is the expediency of electing WOLCOTT GIBBS to the Professorship of Chemistry, and Natural and Experimental Philosophy, now vacant. But under this, lie much

deeper questions,—the prominence the College ought to give to the teaching of Physical Science,—the relation it bears to Religious truth,—the necessity and right to inquire into the religious creed of the teacher,—and if that creed differ essentially from our own, whether we, Trustees created by law, to perform duties defined by law, are allowed or forbidden by law, to take that difference into account,—and lastly whether in so doing, silently or avowedly, we shall or shall not commit a violation of law and a breach of trust?

I desire to state my views plainly and distinctly on these questions, and shall gladly receive yours in return. The questions are momentous. They concern not only our present but all our future Professorships, and not only the College, but the whole community for which we are Trustees.

During all the period in which we have acted together, in executing this trust, no questions have come before us approaching these in importance,—and now, that we have the prospect of increased wealth, and a wider sphere of action, it is of tenfold consequence, to determine aright the principles, on which we shall administer the great trust confided to us by the State, for the education of the People. It is quite impossible in the brief sessions of our Board, to discuss questions like these. When they arise, we must of necessity adopt some other mode of examining them, and those of our body not on its committees, must necessarily address themselves to their colleagues individually. Our duties are public duties, and we are entitled to communicate, not only with each other, but with every person interested in their discharge.

In the first place then, I believe it to be our duty to elect DR. GIBBS to this Professorship, because he is

proved to be pre-eminently fit for it, not only by nature, intellect, temper, education, manners, social position and habits of life, moral and mental,—but also by power to command and power to teach, and above all, by ambition to advance the branch he teaches, and ability to do so with vigor and perseverance, manifested already in the results of his investigations, and recognized by the most eminent men of Science at home and abroad.

I will not ask you again, to examine the mass of documentary evidence now before us, which establishes these propositions. For one, I should be governed by it, even if many of the facts were not within my own personal knowledge, and if I did not personally know many of the individuals, who certify so strongly to their truth.

These gentlemen, admittedly the most distinguished in their peculiar department, testify to us of matters, which they, of all men, know best. In this question, necessarily occult in some degree to us, they are *experts*, and as such entitled to decide. If it could be now submitted to a legal tribunal, their evidence would be conclusive. Should it not control our judgment as Trustees, bound to decide impartially all questions arising in the execution of our trust?

I know it has been said, that admitting Dr. GIBBS to possess these qualifications, another of the candidates may and actually does possess them all, in equal degree. The Scientific world which knows them both, and is far better qualified than you or I can be, to estimate their comparative professional merits, thinks otherwise, and the general sentiment and voice of the community around us, confirm that opinion. I submit that in a question like this, involving so deeply the scientific reputation of

the College, the deliberate opinion of eminent men of science, ought to turn the scale, even if the qualifications of the candidates seemed to us equally balanced.

But the question is not now, between the professional merits of DR. GIBBS and those of any opposing candidate, for at our last meeting the friends of the candidate most prominent in opposition, withdrew his name or offered to do so, if the name of DR. GIBBS were withdrawn by his friends. This they did not do, and could not do, believing themselves bound in law and conscience, to vote for the candidate best fitted for the place,—or (to state it in legal phrase) to select the agent, who would most efficiently execute an important portion of the trust they had assumed.

Of the twenty Trustees, then present, ten had voted for DR. GIBBS, as abundantly proved to be fit. How could they withdraw his name, and vote for some other candidate whom they considered less fit, and perhaps did not know to be fit at all? That those who had voted for his competitor, not only declined on that occasion, to vote for DR. GIBBS, whose professional fitness had been so conclusively established, but avowed their intention to look about for some other candidate, shows that his appointment was and is opposed, on other grounds.

The first is, that his appointment has been unduly and disrespectfully urged by his friends,—that two hundred of our *alumni*, clerical and lay, have taken the unusual step of petitioning us to appoint him,—that some of the parents of our present undergraduates have concurred in that petition,—that newspaper paragraphs have appeared, intemperately and indecorously asserting the superiority of his claims to the vacant chair,—and that in these and various other

forms, there has been an "outside pressure" of public opinion in his favor, in which it does not become us to acquiesce, and which our official dignity requires us to resent, by electing some other candidate.

The second and much graver objection is, that DR. GIBBS is a "Unitarian."

I shall not waste much of your time or my own, in discussing the first of these questions. Were it true, that his appointment had been unduly and even disrespectfully urged upon us, it could not give an honest and intelligent Trustee even a pretext for voting against him.

The question is of our duty,—what is right, and what wrong, in executing a trust. We do not individually own the endowment of Columbia College. Our title to it is purely fiduciary. We hold it simply in trust, to promote with it, to our best ability, and with our utmost diligence, certain definite objects. In accomplishing these objects, is it not plainly our duty to select the agent, shown to be most competent? Have we the right to choose any but the most competent, because his friends or the public have annoyed us, by their too urgent representations of his merits?

Our position, rights and duties, are the same, in principle, with those of a trustee, under a will or deed of settlement. The only difference is, that the private trustee deals with mere material interests, and can commit no breach of trust which the law will not at once detect, while we have a wider range of duties, in which failure and fraud are practically more difficult to identify. Our discretion is larger, but not the less a legal discretion.

An austere but salutary course of decisions estab

lishes the responsibility of the private trustee for any unlawful exercise of his power, or any step beyond the course prescribed by the terms of his trust. What should we say to the executor or trustee, who asked us if he might properly invest his trust fund on a second rate security, or commit its administration to a second rate agent, because his co-trustee, or his *cestui-que-trust*, or some unknown person, had unduly and disrespectfully urged on him another course? We should advise him that a breach of trust could not be justified or palliated, by any violation of decorum in those who disapproved it.

As Trustees of Columbia College, we have nothing, and can have nothing, but duties to perform. Every vote any of us gives on any question, is either the performance of a duty or a breach of trust. We have not, I think, any corporate capacity to receive affronts, or any corporate dignity to be wounded. Our clear duty and office are, calmly and dispassionately to execute our trust, without any of the feelings, preferences or resentments, which modify so much our dealings as individuals. I know it is possible for us, to vote under the influence of offence at "outside pressure," but if we do, we depart as widely from our duty, as if the vote were biassed by personal affection or private interest.

But I utterly deny, that either DR. GIBBS or any of his friends with his knowledge, privity or assent, has directly or indirectly used any undue influence or disrespectful means whatever, to influence our judgment. On the contrary, I have every reason to believe, that the printing of his testimonials, the petition of the alumni for his appointment, the recommendation by the parents of our undergraduates, and the newspaper paragraphs, were in no way suggested, instigated

or encouraged by him. I know, that he has borne himself, throughout this exciting controversy, which has so aroused his friends and the community, with singular composure, propriety and dignity,—without one word of reproach, displeasure or anxiety,—exhibiting always and under all attacks, that perfect self-control and self-sustaining power, that stand conspicuous among his qualifications for the Professor's chair.

As to the undue urgency of his friends, it may well be, that some of us (including Dr. KING, the President of the College) may have expressed an earnest desire for his appointment. Why should we not do so, if we believe his qualifications pre-eminent? Why are we not bound as honest men to do so, if we believe him best qualified of all the candidates? As to the newspaper articles, no member of our Board, to my knowledge or belief, is in any way responsible for them, and were the fact otherwise, it would have no bearing whatever upon the question we have to decide. Their appearance proves only, that public feeling, whether justly or unjustly, is certainly enlisted in the matter, to some extent, and especially in regard to the religious opposition which Dr. GIBBS has encountered.

Without allowing these or any other manifestations of public opinion, unduly to control our action, we can hardly close our eyes upon the fact, that the community is excited and offended by the objection to Dr. GIBBS, secondly above stated, that he is a "Unitarian."

The questions involved in that objection are of exceeding gravity. Their decision must affect deeply and permanently, not only the rights of the community, but the condition and character of the College, if not its very existence. I shall therefore examine the ob-

jection carefully and conscientiously,—sincerely desiring to avoid offence,—but with entire determination, to seek and follow the path of duty.

What then are its merits? How far is it reasonable,—how far lawful?

To answer this, we must inquire, What are the objects of the College, and what its necessities? From these, we can unerringly deduce our duties. I shall not ask, what are our “rights” as Trustees,—for the only right a Trustee can have, is to do his duty.

The College was founded by George the Second, King of England, in 1754, just one hundred years ago. His charter proclaims its objects, in language entirely explicit and significant. It declares the College to be founded and established, “for the Education and Instruction of Youth, in the Learned Languages and the Liberal Arts and Sciences,”—to encourage “the good design of promoting a Liberal Education,” and “to make the same as Beneficial as may be, not only to the Inhabitants of our said Province of New-York, But to all our Colonies and Territories in America.”

No narrow, local or sectarian institution was foreshadowed or called into being, by this royal grant,—but a large, generous, expanding and comprehensive seat of learning, embracing the whole circle of the “Learned Languages and Liberal Arts and Sciences,”—one, that should shed its influence, not only over the city and province of New-York, but throughout the wide extent of British America, reaching all the Anglo-American race that should “speak the language of Milton, or obey the laws of Alfred.” Has Columbia College quite fulfilled the design of its enlightened founder?

His “Province of New-York” has become a populous

and powerful State,—his “Colonies and Territories,” an immense Continental Nation, opening a field broad enough for the most enlarged and energetic action,—but where and what are we? The expanding wealth, population and culture of the community, have planted and strengthened other and younger institutions, now powerful agents for good or for evil, but have passed us by. Why is this? Why have we, alone, of all that exists between Maine and Georgia, been without material progress or development for a century? Does it not behoove us, just entering upon our second century, to inquire, What we have done,—what we have failed to do,—and what others, less favored than ourselves, have accomplished?

It is worthy of notice, that only a few years before George the Second founded Columbia (then Kings') College, he had established a similar institution, in another part of his dominions. In the little town of Göttingen in Hanover, a German province of scanty resources, without commerce, almost without a city, and often scourged by war, he planted a seat of learning, that came into life the competitor of its twin-brother in the Western World. In 1825, less than one hundred years from its birth, it had 89 professors, 1545 students, and a library of three hundred thousand volumes, and it stands proudly aloft, among the great beacon lights of the intellectual world. The catalogue of Columbia College, in this the hundredth year of its existence, shows one hundred and forty students, and six professors.

It is rather remarkable, that an ambitious, prosperous and enterprising community like ours, should acquiesce in a state of things like this,—that it should be content, to be thus inferior in this distinguishing badge

of civilization, to nearly every other portion of the civilized world.

A glance at the map of Europe shows this at once. Not to speak of the great seats of learning in England, Scotland and France, we see students numbered by thousands, in the desolate, down-trodden cities of Italy,—Germany, glowing with splendid Universities, from the North Sea to the Adriatic,—Russia, whom we presume to call barbarian, arming her University at Odessa with more than twenty professors,—while Sweden, almost within the polar circle, lavishes on fourteen hundred scholars at Upsala, the richest treasures of science and learning. Can Columbia College, with its little handful of graduates and professors, feel that it has accomplished the objects of its creation?

I know it will be said, that we have wanted means,—that we have not shared the bounty of the community,—that few, if any, individual donations or endowments have been added to our original resources. But if we had wisely used the means we had, all this would have been added to us. The millions that have gone to the “New-York University,” the Free Academy, the Cooper Institute and the Astor Library, would probably have been ours.

We may console our pride, by claiming that our position has been one of dignified scholarship, too far above the age to be appreciated or encouraged,—but the answer will be, even if the extravagant assumption were founded on fact, that we exist to educate the people, and should have lowered ourselves to a position a little less exalted, that so we might raise them step by step.

The difficulty lies deeper than the want of money. We have wanted Trustees,—more truly and zealously,

to carry out the purposes defined by our charter. We have avowedly and perseveringly neglected, undervalued and disparaged "the Liberal Arts and Sciences," and the world has avenged the neglect, by neglecting us.

It is not, and has not been, the want of pecuniary means. Yale College, possessing little else than its buildings, filled her halls for fifty years, with students from every part of the Union, attracted by the fame of her scientific teachers. The annual cost of DAY and SILLIMAN, sitting side by side for half a century, did not exceed four thousand dollars,—but they were constantly and vigorously sustained, cheered and encouraged, by an enlightened and appreciating Board of Trustees.

But if poverty be our excuse, it can avail us no longer. The great wave of commerce has reached our landed estates, and we have but to coin them into revenue, far exceeding our utmost necessities. This flood of pecuniary prosperity, is, in no sense, due to us. It is the work of the busy community around us, and that community has now, more than ever, the right to ask us to come fully up to our duty. It has a right to ask, why the College, surrounded by more than fifty thousand youths, of age suitable for College studies, capable of education, and destined to suffer through life for want of it,—teaches but one hundred and forty?

For I expressly maintain, that we hold a distinct relation to the community and owe it a definite duty. The College is a public, not a private institution. Our Board of Trustees is not a fraternity, nor a religious order, set apart from and independent of the community. It is not a place for personal predilections or partialities, either for men or for subjects beyond the

scope of our corporate duties. It belongs wholly to the world around us, and we are bound by every principle of law, equity and honor, to render equal and exact justice to every part and portion, every sect and section alike.

The College is, in no sense, an ecclesiastical body. It is purely a human, secular institution. Founded by a temporal sovereign, it is solely the creature of the State, and to the State alone, does it owe duty and obedience.

And I further contend, that to the community as such, in its aggregate existence, the College owes a peculiarly high and sacred duty,—not only faithfully to discharge its trust, in educating individual students, but to discharge it in such mode, and with such vigor and intelligence, as to advance the moral and intellectual dignity of the community itself,—to become an element in our social system, felt in all its workings, modifying the culture and elevating the character of all around us. The community has a Right to a great seat of learning in its midst, and is wronged if the College, which it has endowed and enriched with means amply sufficient for such an institution, remain in obscurity or inefficiency. The College should form part of the great living organism of society, giving it tone, vigor, color, growth. But of the million of inhabitants, now assembled in and around this great mart of trade, how many are impressed or improved by our existence? How many know that we exist at all?

By some of the few, who know us, we are regarded, however erroneously, as being, in some peculiar sense, aristocratic in our course of study and administration, as a place for the sons of gentlemen, to whom it is our special office, to give culture, refinement and elegant taste. I will not stop to controvert a notion so un-

founded, nor to protest against a construction so narrow, of our duty to the State. I will only ask whether we have fulfilled even that office? Look at the young men crowding the drawing-rooms of our city, condemned to "ornamental idleness," because no proper training has led them up to usefulness to society, the country, or the Church, and tell me, whether Columbia College, with her little yearly *coterie* of five and twenty graduates, has done her duty, even to this small minority of the People?

No thoughtful man can look at the present elements of our society, without forebodings for the future. The utter feebleness of the sons of the rich, and their total inability to combat the misdirected education, the crude theories, that make perilous the growing power of the needy classes, become more and more apparent, with each succeeding generation. If our seats of learning will awake to their responsibilities and their work, they may greatly mitigate, if they cannot entirely remove these evils. If they can do no more, they may at least transmute the holders of wealth, used only for ostentation or self-indulgence, into liberal and intelligent leaders, in every good and generous effort for the common welfare. Benevolence bids us teach the poor,—but it will be a charity indeed, to educate the rich.

The very exuberance of our commercial prosperity, our rank and rapid growth in wealth and luxury, are scattering far and wide, the seeds of deep and deadly disease. The universal spirit of traffic, with its maddening love of gain, and its insolent contempt for any intellectual greatness, artistic excellence, or moral worth, that does not yield a pecuniary return, are degrading and demoralizing the whole mass. Wealth earned by cunning, is squandered in vain and empty show, until the universal axiom has come to be, that

Money is the only proper aim of Man. The virtue of our public men and public bodies is sinking, as it must sink, under this debasing preference of pecuniary wealth, to the priceless treasures of liberal science and art. Who does not see and feel, that our traffick-ing, money-loving people, are treading the path of crafty, mercenary Carthage,—not classic, polished Athens? Where will it lead us, if we do not erect and interpose at once, great and attractive seats of learning and science and art, to arrest this downward course?

Nor is this high political and social office of a great seat of learning at all an idle fancy, unsustained by reason or experience. In the moral and intellectual history of modern times, there is no event more striking and instructive than the majestic stand made by Prussia, after its disastrous overthrow, by Napoleon at Jena. The monarchy was all but ruined, —on the very brink of dismemberment,—when the sagacious statesmanship and far-seeing wisdom of STEIN and his noble associates, established the University of Berlin,—for the expressly avowed purpose of elevating the character of the people, and thereby enabling the nation to throw off the yoke of France. The tree thus planted, within ten years yielded fruits. The spirit of the community was revived and rekindled. Prussia was disenthralled,—and the University stands, with its one hundred and fifty professors and four thousand students, a monument of the wisdom of its founders, and will stand while letters endure.

Among the few glimpses it has been my fortune to gain, of the truly great things of this world, I succeeded some eight years ago, in seeing the Berlin Academy of Science in session,—and there was clustered, a galaxy of scholarship, learning, and genius, eclipsing all the world besides. It was amid this magnificent assemblage

consisting of men like HUMBOLDT, and RITTER, and ENCKE, and EHRENBERG, and JACOBI, and the brothers ROSE, and hosts of others, filling the world with their fame,—that I found our alumnus, WOLCOTT GIBBS, imbibing from that great fountain, the knowledge which our shortcomings had failed to provide him. And why should not New-York,—the capital of a Continent, with its hundreds soon to be thousands of millions of commercial wealth, also possess a University and Scientific circle, to elevate and embellish its commercial life? Must the very magnitude of its continental traffic weigh down its intellect for ever? Will not the College exert her highest and noblest functions, in rescuing the community from the base dominion of sordid gain,—in shaking off the double yoke of avarice and ostentation,—in renovating, regenerating, and saving society?

That this result is attainable I will not doubt. Others more patriotic and enlightened will attempt it, if we do not. A deep, premonitory feeling now pervades the public mind, that a great national University is needed,—not a College, in our narrow sense of the term,—a mere gymnasium, or grammar-school, where some half dozen professors repeat, year after year, the same rudiments,—but a broad, comprehensive seat of learning, science and art, where every student may pursue any path he may select, to its extremest attainable limit, and above all, where original research and discovery by the ablest men the world can furnish, shall add daily to the great sum of human knowledge.

The effort made at Albany, in the winter of 1852, (though not then successful,) to induce the State to found such an institution, showed the prevalence and strength of this feeling. It was there, that aided and encouraged

by some of the most enlightened divines of that city, discerning the harmony between the Word and the Works of God, and not afraid to expose Revealed Truth to the eye of human science, that the friends of Learning sought to establish a University which should enroll AGASSIZ, and PEIRCE, and DANA, and HALL, and BACHE, and GIBBS, and men of like size and strength, among its most trusted and honored teachers. And who, of all the eminent and devoted patrons of science, and official defenders of religion, then in council, thought for a moment of filling the chair of Chemistry, with any but WOLCOTT GIBBS? Of his pre-eminent qualifications, professional, moral and personal, and the bright promise of his future career, no one whispered a doubt. Still less did any one dream of requiring theological conformity from him, or any Professor of Physical Science.

But the condition of the State finances, fettered by the Constitution of 1846, precluded further progress in that direction,—added to which, was the apprehension, that in the ever-recurring and disgusting scramble for political spoils, even the Professors' chairs might not be spared. The project was reluctantly abandoned, but with a deep conviction that the measure could not be long postponed.

Upon such an occasion, the large but dormant powers and capacities of Columbia College, with its certainty of great and immensely increasing wealth, directed by Trustees secure of office during good behavior, and able not only to found, but permanently and steadily to maintain such an institution, could hardly fail to arrest attention, and every one supposed they would gladly discharge a duty so gratifying and honorable.

The Free Academy was also spoken of, but the pre-

carious tenure of its Board of Management, chosen annually by popular vote, and the inherent necessity of always keeping a University somewhat above or in advance of the average state of popular intelligence, suggested difficulties which then seemed insuperable. When we observe, however, the extent to which that admirable institution has succeeded, in a few short years, in subduing popular prejudice,—its rapid advance in thorough classical and scientific teaching,—the number, vigor and activity of its Professors,—the richness, order and efficiency of its laboratory, apparatus and other appliances,—its five years' course of study,—and how far it has already outstripped our College, in the number of its students,—it is by no means certain, that this early infancy is not the precursor of a great and brilliant future, and that it will not take the splendid and beneficent position we were meant to occupy. Let it continue to advance, and let us remain stationary but a few years longer, and the question of our relative position in the intellectual history of the State and the country, will be settled. It will then be too late for us to attain the honorable place we shall have thus declined to fill. Two Universities,—two great centres of scholarship and science, cannot exist together in the same city. One or the other must be absorbed or annihilated,—and we may live to see this so-called democratic school, founded avowedly because we did not satisfy the just demands of the community, giving intellectual tone to the city, and through the city to the nation,—while we remain travelling round the narrow circle, to which inveterate habit has accustomed us.

What I have said of the magnitude of our duties, the importance of an University among us, and the

necessity of bestirring ourselves to establish it, is directly pertinent to the special question now before us. For such an institution cannot win authority, respect or confidence, unless it be pre-eminent in Physical Science, which as plainly characterizes the present age, as Scholastic Philosophy did that of ABELARD, or Classical Literature that of the MEDICI. To do this, we must, of necessity, repudiate all religious tests and qualifications, at least in that department of our teaching,—for we cannot conceal the fact, that the Church now produces few great scientific teachers. We may find within her ranks, the best instructors in Literature, Art and Pure Intellect,—in History, Ethics, Moral Philosophy, the poetry of Greece and Rome and kindred subjects,—but we must look in France and Germany, not at Oxford, for the great Masters of Science,—for those who best teach the laws, by which God has worked and is working in his visible Creation. In this department, mediocrity will not suffice. Scientific men of the highest order, are the vital element of a University,—and it is only a second rate institution that will content itself with any other.

In asserting that the Church produces few great scientific teachers, I only state a fact deeply to be deplored, for it is Her peculiar office to watch the progress of human thought, to guide, promote and consecrate the intellectual labors of man. Five hundred years ago, when the intellect of Christendom was abandoning Scholasticism for the newly opened field of Classical Learning; the Church forgot her duty. Lagging behind the age, she by turns opposed and feebly encouraged, what we now see was the great movement of the time. She alienated its leaders, and allowed Thought and Letters to get beyond her influence, and the Christian world still suffers from the disastrous mistake.

We are now in the midst of another intellectual revolution, no less momentous. Man is hourly gaining mastery over Nature, developing her hidden laws, and subduing to his service her hostile powers. Physical Science, the splendid instrument of modern progress, must become, if it be not already, the controlling study of the age. Should the Church be longer indifferent to such an element? Is she at liberty to disregard it?

Distrusting modern science and avoiding contact or sympathy with its leaders, she has thus far denied herself the power, she was entitled to exert over the nineteenth century. But recent indications lead us to hope better things for the future. Signs of concord and co-operation begin to appear, and the time has not yet passed, for the Church to bring into her ranks,—where they belong,—the potent energies of modern science.

For distrusting the study of the Classics, and omitting actively to encourage the "Revival of Letters," the Church at the time had some apology. Clearly as we now perceive the beauty and value of Ancient Learning, and its fundamental importance as an element of sound education, we cannot wonder that she hesitated, before admitting heathen philosophy and poetry into her religious teaching.

But a reverent study of the Works of the Creator, can only strengthen the position of the Church, and furnish cumulative evidence of the truths she teaches. The laws of Matter have been consecrated by Her Divine Founder, to the good of the human race. In healing the sick, and multiplying food for the starving, He showed the Church her duty to care for man's material wants, and use for his welfare, all the powers of material nature.

Is it not, then, matter of profound regret, that the Church should deem it unimportant, to enlarge to the

uttermost, our knowledge of the wide-spread wonders of God's Material Creation?—that it should fail to perceive the immensity of the truth, embodied in the Universal Liturgy, which proclaims not only Heaven, but Earth, “full of the Majesty of His Glory?”

It is not to be denied that members of our Board, estimate very differently the necessity, value and dignity of Physical Science. The fact is abundantly manifested, not only in the open disparagement of that branch of human knowledge, but in the utter failure of earnest and repeated efforts to divide the Chair of Chemistry and Physics, now overloaded with duties which would amply employ at least three Professors,—and to provide meanwhile for the single Professor, more adequate and decent apartments. I may be too radical a reformer, but I cannot think it very unreasonable, in the Trustee of a College holding itself out to the public as a seat of science, to remonstrate against its teaching Experimental Philosophy in a dark, damp basement, where its apparatus rusts and perishes, and the health of professor and pupils is endangered,—nor to insist that Optics might better be taught in an apartment, that the light of Heaven can enter.

We all know, and the public knows how we turned away, year after year, from all the entreaties of our late Professor, that his department and the reputation of the College might be relieved from these needless embarrassments, till after thirty years' service, he left us in disgust and despair.

I confess that I hoped, when we should proceed to fill the vacancy, and especially if our Board should still consider a single professor sufficient to teach Chemistry, Geology, Mechanics, and the whole vast field of Natural Philosophy, with all the splendid accessions of modern

times, the efforts of the friends of Science, even if over-pressing, might be so far respected, that none but a Professor of pre-eminent ability and unquestioned fitness would be placed in that all-important Chair.

Such was the confident expectation of the community around us,—of the crowds of parents waiting with their sons, for our decision,—of the whole body of the alumni, who knew that among their number, was the man best qualified. Such too, was the hope of the distinguished leaders of Science, throughout the country, and of a large majority of the lay members of our own body.

What then was our disappointment and mortification, when WOLCOTT GIBBS,—bearing with him the united voice of all that was commanding in the Scientific world,—a son of our College, winning its highest honors, only to add yet higher testimonials from the ablest masters in the Old World,—rich too, in every moral, mental and social excellence, that could dignify and adorn the place, was called to account, by members of our body representing at least three separate religious denominations, for his want of conformity to a theological standard of their own, compounded from incoherent and opposing creeds, and agreeing only in hostility to the denomination to which he belonged!

Before examining the legal and the moral merits of this objection,—let me clear the way, of all idle and senseless suspicions, by declaring distinctly, that I do not seek or wish to weaken the just authority of the Church Catholic, or undervalue any truth it teaches. It might suffice, to point to the members of the Board holding views like my own, in respect to its duty to the community and the Church,—who have voted for DR. GIBBS. But I prefer to purge myself individually,

from any charge of indifference, either to the fundamental truths which the Church maintains, or to the discipline and authority of the Church itself.

I declare then, that I hold, in the fullest sense, to the faith of that portion of the Church Catholic, known as the Protestant Episcopal Church of the United States,—that I believe its doctrines, approve its government, and am ready to submit to its discipline. I was born and baptized in that Church, have been for many years one of its members, and hope to die in its faith and communion. No man living esteems more highly the wisdom of its institutions, the excellence of its example, the Christian piety and dignity of its Ministers, the beauty, propriety and sublimity of its unrivalled Liturgy.

Viewed only as an engine of human polity, I regard the Church, as the strongest and best of the bonds, which bind together our National Union, one which may save it, when nothing else can,—as our most efficient safeguard, sure though silent, against all unlawful assaults on order, property or morality,—as our constant and unfailing antidote and protection against the excesses and disorders, to which the life of a young Nation, like ours, is so peculiarly subject.

Nor am I indifferent to doctrinal, dogmatic truth. I hold a Creed,—a definite Creed,—essential to the Church, and the individual Churchman,—and I render all honor and reverence to the Church, for firmly and sternly maintaining hers unchanged, through all the revolutions, which for eighteen centuries have agitated the human race.

It is, because I thus esteem and venerate the Church,—because I fain would save her from the scoff and ridicule of the world around, that I labor to dissuade

those who value her welfare, from adopting in the present controversy the mistaken policy, which some have meditated. I dread the consummation of an act, which her enemies will adduce, to prove her afraid to submit the Word of God, to a comparison with His Works studied by the light of Science,—and above all, which may countenance in any way, the accusation that Churchmen either claim the right to dispense with human law, or nullify by casuistry its plain moral obligations, when they think the interests of the Church demand it.

I know the Church can and will survive any errors, even of its appointed defenders. But I foresee, that the act, now threatened, if carried out, will prove highly injurious to the sacred cause they live to maintain. If it be said, their conscience compels them to the act, I claim that mine compels me to oppose it. The interests of the Church are dear alike, to all its members, clerical and lay, and I claim the right to say, that if she hopes to achieve the great work before her, of bringing the whole human family into her fold, she must now and always, and through all coming time, illustrate her teaching by her works,—and that she can only reach and control the universal conscience, by her unfailing and abundant observance, at all times, of justice and good faith to Man, and the institutions of Man. She should not only be always right, but even more than right,—not only pure, but beyond suspicion,—and in construing a law or a contract, if there be even a doubt, should rather prefer to decide against herself, and thus follow the example, by which high-minded and honorable men of the world, command its confidence and respect.

For the distinguished divines, each and all, who

honor our Board, with their presence, I entertain personally, sincere respect,—for some of them indeed, as they well know, most cordial affection,—and it is quite as much for their sakes, and that of the Church, as for the College, that I now ask you and every brother Churchman in the Board, to assist in averting the pernicious effects, which an unlawful exercise of power, on the present occasion, must inevitably bring upon her.

Let us then attentively examine the legal and moral nature of the claim, to set aside the best qualified teacher of Physical Science, by reason of his alleged unsoundness on a point of theology.

It is not *prima facie*, a valid or sufficient objection, and the burthen of proof rests on those who assert it. But I contend affirmatively, that the objection is alike unnecessary, impolitic, unjust and unlawful.

In the first place, DR. GIBBS is not an infidel,—and it is to be hoped, we may hear no more of a design to banish religion from the College; and introduce infidelity among the students. Infidelity has nothing to do with the matter, and the application of the term to him, is simply preposterous. An infidel is he who disbelieves the Holy Scriptures, but DR. GIBBS expressly declares, that he believes in them and in their divine inspiration, and moreover adds, that he knows of nothing in any branch of Science, with which he is acquainted, which conflicts with their teaching, or impugns their authority. His written answer to the inquiries of the Chairman of our Board, certainly shows this. But in that answer, he frankly admits that he belongs to that denomination of Christians, known as “Unitarians;” and this is the only tangible objection that is urged against him. He

may, therefore, be a heretic, but he certainly is not an infidel. The charge against him is heresy, not infidelity. Now is this heresy?

As I am informed, there are wide differences of opinion among Christians calling themselves "Unitarians," on the doctrine of the Divine Nature. That denomination embraces a school which holds nearly all the fundamental doctrines of the orthodox church,—objecting to nothing in the Nicene Creed itself, except the words "of *one* substance with the Father," for which they substitute the words "of *like* substance with the Father."

We have no evidence of DR. GIBBS' precise position on this question. Very possibly he may never have defined it even to himself, but like too many laymen, has adopted without special examination, the faith which early habit may have taught him to respect. But I know that he is utterly free from any spirit of proselytism, or aggressive hostility to any other faith, and I have reason to believe, that his theological views, so far as he has ever defined them, assimilate to those of the more conservative portion of the Unitarian body.

He was made by baptism at the age of eleven years, a member of the Protestant Episcopal Church, but since his father's death, has attended a Unitarian place of worship. He certainly is one of those "who profess and call themselves Christians," for whom the Church instructs us to pray, but whom she nowhere authorizes us to proscribe.

We have no proof, nor any reason to believe, that he denies or doubts the Divinity of our Saviour, nor His Atonement for the sins of man,—and the only inference we can legitimately draw, from his admission that he is a Unitarian, is that he does not believe in

the Eternal Consubstantiality of the Three Persons of the Godhead.

We must then inquire, whether this be what the law defines as heresy. For we are Trustees of a College created by law, to discharge duties prescribed by law,—and surely we must consult the law, to determine what constitutes the offence, the commission of which, legally authorizes us to exclude the offender from our Professorships.

By the law of England, heresy is defined to be an “erroneous opinion on the fundamental doctrines of Christianity, publicly and obstinately maintained.” We certainly have no evidence that DR. GIBBS “publicly” maintains any theological dogma whatever,—still less that he does so “obstinately,” for no one to our knowledge, has sought to convince him that any opinion of his is erroneous. I knew him for many years, without being aware that he was a Unitarian. It is distinctly proved, that during his five years’ connection with the Free Academy, he has never introduced his theological views into his professional teaching, or made his associates acquainted with them. We have no evidence, that he has ever declared his creed to any person whatever, except to one of our own body who inquired into his theological position. His heresy therefore lacks the two legal elements, of public avowal and obstinate maintenance.

But is the orthodox doctrine of the Trinity, the only fundamental doctrine of Christianity, or are there other doctrines which some of us hold fundamental, and to which we may also require conformity? Who shall decide? There are in our Board clerical members of three different religious bodies, and laymen conscientiously attached to various antagonist forms of faith.

May each vote against every candidate, who does not hold what he believes an essential doctrine of Christianity? Can it be possible that the law directs, (for the law does direct every lawful act of a Trustee,) the Anglican Churchman, the Calvinist, the Roman Catholic, the Dutch Reformed, the Baptist, the Methodist, the Unitarian, the Quaker, and the Jew,—for members from all these sects have held, and may again hold, seats in our Board,—to execute their trust, each by an independent rule? If it be the duty of one, to vote only for a candidate who holds the fundamental truths of the Apostolical Succession and Baptismal Regeneration, is another bound to vote only for him who denies those truths? Does the law require of us duties so contradictory? Which of the denominations, now represented in our Board, is to fix the standard? If the Episcopal Church, now possessing the numerical majority, is authorized to do so, must it not select its own peculiar doctrines,—and if perchance twenty years hence, a majority should belong to the Presbyterian or the Dutch Reformed Church, is the standard then to change, and those now eligible to become disqualified?

The first thing we see in examining the charter of 1754, is the selection as Trustees, of five clergymen of five different churches,—the Episcopal, the Presbyterian, the Lutheran, the Dutch Reformed and the French,—including all the denominations of any importance then in the city. One was selected from each, and with his successor in office, for the time being, was made, *ex officio*, a trustee of the College. Each of these five trustees had equal rule and authority; each an equal right to claim the College, as the organ of his peculiar faith. The intent of the charter manifestly was, to place the clerical representatives side by side, to neutralize and

disarm each other. To make the matter safer still, nine colonial officers were added *ex officio*, and twenty-four trustees taken from the city at large.

But even this did not satisfy the jealous caution, not only of the colonists, but even of one of the five churches thus specially represented, for fearing that the Church of England might gain undue pre-eminence or authority, the Dutch Reformed Church through its Minister, at the first meeting of the Trustees in May, 1755, introduced measures which were immediately adopted, for establishing in the College a Professorship of Divinity, "according to the doctrine, discipline and worship established by the National Synod of Dort," with power to the Dutch Church to appoint the Professor. That no such Professor has ever been appointed, proves only that no sectarian teaching has ever been introduced into the College, but the privilege of the Dutch Church now slumbering, will awake at the first attempt of any other denomination, to establish its own distinctive dogmas.

And yet the very essence of heresy consists, in a departure from a standard established by a single Church, having sole authority to fix it. The notion of two independent churches each possessing exclusive power to fix the standard, is absurd. BOSSUET, the eminent Romish divine, compactly defines a heretic as one who has his own opinion, (*qui a une opinion à lui,*) in contradistinction to a Catholic, who follows the opinion of the Universal Church. Hence the Statutes of England before the Reformation, defined heresy to be "the teaching" (not the 'holding') "of opinions contrary to the Blessed determinations of Holy Church."

Nor was the heretic punishable, nor could he be deprived of any right, or privilege, or eligibility to

office enjoyed by other subjects of the Crown, nor could his heresy be noticed by any individual or tribunal known to English law, until he had been duly tried and his heresy judicially established by the Bishop, in the exercise of his legitimate canonical jurisdiction. Only after trial, defence and all the formalities of a solemn judicial act, did the laws of England, commencing with Henry IV., allow the privilege of the subject to be impaired by his heresy.

We need only examine that interesting and venerable writ, "*de hæretico comburendo*,"—still smouldering in Fitzherbert,—to see that the prior adjudication by the Bishop was indispensable, and that the heretic could not be lawfully burned without it. Indeed it was a privilege to the heretic himself, to be exposed to the scrutiny of only a single tribunal, consistent with itself, and governed by a definite and notorious standard of faith, instead of two or three conflicting with each other, and each perhaps with itself.

But we are told that the several conflicting denominations in our Board, by some eclectic process may ignore their points of difference, and adopt as a religious test, the propositions in which they all agree. The history of Christendom is not without an edifying example of such a compact. By the treaty of Westphalia, which closed the Thirty Years' war, the Catholics, Calvinists, and Lutherans, solemnly stipulated to accuse each other of heresy no longer,—reserving the right of exterminating all who differed from the joint belief of the three contracting parties.

Now we yield a certain deference to the consistent intolerance of HILDEBRAND, or LAUD, or CALVIN, or MATHER, or any person conscientiously proclaiming any series of dogmas to be the whole truth of God, but it becomes somewhat difficult to respect the composite

intolerance of religious parties, differing in many fundamental articles of faith, but leagued in common hostility to those who deny some other article, on which the contracting parties chance to agree. They who tolerate the heresy of each other, no longer possess the logical right to be intolerant at all. If each may ally itself with one form of error, all are precluded from setting up the duty to proscribe any other.

The world has become pretty well aware, that ecclesiastical bodies differ on the question, Whether the Protestant "Reformation," so called, brought with it the right of "private judgment," in construing the Scriptures, and the other evidences of Revealed Truth.

It is quite certain, that members of our body differ widely as to the extent of that right. How far, if at all, DR. GIBBS has transcended its proper limits on the present occasion, may present further points for serious disagreement.

He may have unlawfully and erroneously exercised his private judgment on the Scriptures as a whole, or only on particular texts, in relation to the Unity of the Godhead,—or not being able to reconcile conflicting passages, he may have adopted for the present the simplest view of that transcendent mystery as *prima facie* true,—or he may not receive as conclusive, the construction given to Scripture by some ecclesiastical body,—or not having yet investigated the question at all, he may continue in connection with that denomination in which he was brought up, and in which it has pleased God to place him, until he shall be shown affirmatively that it his duty to leave it for another. I believe the last to be the sum total of his offence,—and if it is, have we not some at least among our own laity, whose only argument for their orthodox belief,

is that they have been brought up to take its truth for granted?

It is clearly the right of Dr. GIBBS to ask those who claim the right to condemn and punish, to specify which of these widely different offences he has committed,—which of the charges he is bound to answer. He has the right, and every other candidate, for this or any other Professorship, present or future, has the right, to be distinctly informed what religious qualifications we require, and how they are to be established.

Should we hereafter become a more conspicuous and authoritative body than we yet have been, it will be not a little important to the World of Thought and Letters, to know our standard of orthodoxy, and to understand from us intelligibly, how we ascertain and identify those we reject and brand as unfit to teach. The selection of the particular dogmas which are to compose that standard, and the exact definition of each, may possibly task somewhat the industry and acuteness of some of us. We must define not only the creed, the series of dogmas, to which we require assent, but also the necessary degree and evidence of that assent. Shall it be only formal, as in some English institutions, or must it be "*ex animo*?" and shall the habitual or occasional attendance of the candidate at some prescribed place of worship, be taken as a sufficient compliance with our standard? Is there no danger that parents may distrust the College, where theological conformity real or pretended, wins the professor's chair,—and that students themselves, of differing faith, may question decisions on academic rank, by teachers who gain by such means the right to decide?

But here it may be said, that exclusion from office is not punishment,—that a Trustee voting to

exclude, only exercises his inherent right to select whom he thinks fit,—and that if he deem a heretic unfit, because of his heresy, he may lawfully vote against such heretic, and that this is not a punishment of heresy.

This common-place of intolerance has long been abandoned. Our criminal law recognizes exclusion from office as one of the penalties of crime. If he who would obtain a place of honor or profit but for his heresy, is lawfully excluded from it by his heresy, the law punishes him for that heresy. If the law permit a secular College like ours, not created to promote any particular creed, to exclude a heretic from its Professorships, the law in that mode punishes the heretic.

True, we no longer punish by the writ "*de haeretico*,"—for that went out of the legal world, the very year the Habeas Corpus came into it,—but we do in fact punish, quite as severely,—in another mode,—by professional, civil, and social degradation.

But I go further. I claim that even if our Board could agree upon, and could lawfully and safely establish, and could permanently maintain its tripartite theological standard,—and even if WOLCOTT GIBBS, after full information, previous notice, and fair trial, had been duly convicted of non-conformity to its provisions,—it would still be our duty to elect him to the vacant Professorship, as being best qualified to perform an important portion of the duty of education, which we profess to perform. Nay, more, I claim, that even if our College existed only as an organ of the Episcopal Church,—were it already and avowedly nothing but a preparatory school for her theological seminaries,—were it created expressly to train up learned men to fight Unitarianism itself,—even then it would be our duty and our true policy, to select

him, as the best and ablest man to fill the chair of Chemistry, without reference in any way to his views on the Trinity, or any other point of theology.

For surely it is as much the duty of a "Church College," as of any other, to do best whatever it professes to do,—to teach, as thoroughly as any irreligious institution, all it professes to teach. A heretic or an infidel might not be selected, in such a College, to teach Ecclesiastical History or Moral Philosophy, for the reason that his religious belief, or want of belief, might prevent his teaching what the Church holds true ; but in the sciences purely physical, the religious creed of the professor would be wholly irrelevant and unimportant.

For what proposition can be stated or imagined, in any department of Physical Science, in which Trinitarians and Unitarians, as such, can possibly disagree? They differ only as to the meaning of Scripture on a single point,—momentous, no doubt, to the individual believer,—but wholly separated from material science. The subjects are wide apart as Earth and Heaven. The united skill of the whole theological world, cannot find a statement, proposition or theory in Chemistry or Natural Philosophy, which conflicts, in any degree, with the teaching of the Church, on any subject whatever,—not one, which, by any possibility, can be called Orthodox, rather than Unitarian.

For the attributes of God, whether existing in Trinity or in Unity, are wholly supernatural and extra-natural, infinitely above, and beyond, and away from the material world and all its laws. Who, without the extremest irreverence, could apply a material law to the Divine Majesty? Who would seek to penetrate, by philosophical analysis, the impenetrable, invisible, unapproachable elements of the Tri-une Deity?

That it might be important to the proper teaching of Physical Science, that the teacher should believe in the inspiration of the Holy Scriptures, I might admit. Fortified by that belief, the devout and earnest student of Nature, not only finds in the vast and varied harmonies of the universe, overwhelming proof of the wisdom and power of the Deity, but reads in the very footprints of His Creation, the majestic concord between his Works and his Word. But can all that philosophy ever discovered, that conclave or hierarchy ever decreed, bring within our feeble vision, even a glimpse of the awful personality of God,—of the Eternal Co-existence of the Three in One?

How vain then, these attempts to mingle the mysteries of heaven with the studies of earth! “Render unto Cæsar the things that are Cæsar’s.” Let sacred truths be taught by our pious and learned theologians, at the seminaries, which a wise separation of the Church from the State, has expressly set apart for the purpose,—but let them not distort, disturb or disfigure the human studies, with which they have no connection or affinity. Discourses on the Trinity, as deduced from the Sacred Writings, will always be reverently and profitably received at the proper place, but where is the class in Chemistry that would listen to them for a moment? Who can name the chemist, that ever sought to influence the religious faith of his pupils? Do we believe that in the thirty years, in which DR. RENWICK filled our chair of Chemistry, he ever addressed a word to his pupils on the Trinity or the Unity,—or that DR. GIBBS, in his five years at the Free Academy, ever wandered so far away from his legitimate pursuits? Rely upon it, the task of pursuing and efficiently teaching his rapidly expanding Science, with

its widely extending ramifications and magnificent generalizations,—will leave the Professor of Chemistry but little time or appetite for controversial Theology.

But it is said, that the mere example of a Professor of commanding intellect and persuasive style, reputed to disregard a fundamental dogma of the Church, must be dangerous, in leading his pupils to like disregard. If this be true, where shall we stop? He will be dangerous if allowed to teach or live within our hearing, or any where within our community. What shall we do? The earnest, consistent orthodoxy of the middle ages knew what to do. It did not allow JOHN HUSS to wander at large, to corrupt the world. It burned him at the stake, and threw his ashes into the Rhine.

The revolutions and constitutions of these later centuries, have somewhat modified this process. We do not burn. We only brand. We only set our mark upon our noblest son, and leave him to bear through life the dishonoring imprint.

For who will take what we thus degrade? Is the solemn adjudication of a Board like ours to pass for nothing? What is lawful and wise for us, must be lawful and wise for all of inferior grade. The heretic banished from our walls, cannot and must not expect aid or comfort elsewhere. If dangerous here, surrounded by the watchful care of our united orthodoxy, will he not be doubly dangerous, in seats of learning less vigilantly guarded? Ought not the Free Academy, with its four hundred students now exposed to his baneful influence, to turn him at once adrift? What other academy, or school, or seat of learning, of any grade or sort, can rightfully harbor or uphold him? How can it do so, without condemning us as bigots, and expressing its immeasurable scorn of our example?

This, then, is our position. In the middle of this nineteenth century,—in the State of New-York,—under a Constitution guaranteeing equal rights of conscience to all men, a few members of our Board of Trustees assume the right to adjudicate, and do adjudicate, that he who does not believe the Tri-Una Existence of the Supreme Being, is not a Christian, and thereby is disqualified from teaching Chemical Science.

The decision covers, not only WOLCOTT GIBBS, but all his sect,—for if he be not fit to teach, what Unitarian is? and thus, we presume to excommunicate hundreds of thousands of our fellow-men and fellow-scholars, and practically prohibit them from teaching here, or elsewhere, or any where.

Are we quite prepared,—do we really feel strong enough,—to proclaim this decision to the American people and the world? Not to mention the several presidents of these United States, professing the form of Christian faith we now proscribe,—not to point to EVERETT and BANCROFT, on whom orthodox Oxford lavished its highest academic honors, nor to hosts of others, now living, bright among the brightest gems of history, and poetry, and science and art, what shall we do with the deathless works of dead and buried Unitarians? Shall our College library longer be polluted by the “Paradise Lost” of that heretic, JOHN MILTON? Shall our tender youth be dazzled and seduced by the undermining “Principia” of that Unitarian astronomer, Sir ISAAC NEWTON? Shall Law be learned from GROTIUS,—heretical HUGO GROTIUS,—who taught humanity to man,—mitigated the violence of war,—brought justice into the family of nations,—and rescued the ocean from bondage,—or shall we remand him to the prison, to which his dissent from the doctrines of the Synod of

Dort had sent him? Should we not reform our scheme of education at once, and no longer teach our students to venerate names like these?

But we are told, that, after all, the College must be subject to some one governing sect, and that all the American Colleges are, in fact, sectarian. This ought not to be true,—but if it is, it will help to explain their slender success, when compared with the European Institutions not sectarian, and why our sons are obliged to leave our narrow halls, to find adequate instruction in the more catholic and comprehensive institutions of France and Germany.

But it is not true, and certainly not to the severe extent to which sectarian exclusion is now threatened. We know, that many of the American Colleges have selected, and do select professors differing widely, in religious tenets, from the majority of the governing trustees. Presbyterian Princeton placed in one of her scientific chairs a Professor with no religion at all. Episcopalians are tolerated in Congregational Harvard, Yale and Union. Six of the seventeen Professors at Harvard, and three of the Tutors, are of denominations other than Unitarian, some of them, indeed, most earnest in their orthodoxy. An eminent Unitarian divine is associated with clergymen of the Church of England, in the Canadian University, established by the British Crown. A learned and accomplished Jew was trusted by one of the theological Seminaries in this very city, to teach its students the true reading of the Prophets,—and should we ourselves perchance awake to the necessity of qualifying our youth to meet the Asiatic Exodus now pouring in upon our Pacific coast, would we exclude from the Chinese Professorship every follower of CONFUCIUS? How are we to keep up with

that great Anglo-American race, seen by the prophetic eye of our royal founder, if we thus narrow and confine our vision? and what a spectacle shall we present to that wide and widening world, for which we are Trustees, with our useless millions of mismanaged wealth,—self-condemned to the limits of a narrow sectarianism, and copying only what is obsolete and defective in the mediæval institutions, we affect to imitate?

And this brings us to the higher and far more serious question of justice and morality, involved in this proceeding,—for I insist, that the proposed exclusion of DR. GIBBS will be, not only unjust to the students,—unjust to the parents,—unjust to the alumni,—but above all, and in the highest degree, unjust to the State, to which we owe, not only our corporate existence and consequent obedience, but large and repeated donations of land and money.

The history of the century just closing, shows an incessant stream of gifts, not only from the infant Colony, existing at our birth, but from the State since the Revolution. The very first donation by the colonial government, was three thousand four hundred pounds,—then exceeding the pecuniary value of all the donations from Trinity Church, with the further distinction, that while the lands given by the Church had been given to the Church by the Crown, the Colony itself had earned the moneys it gave.

The State, since the Revolution, has given us upwards of thirty-nine thousand dollars in money, and lands of still greater value. The tract once known as the Botanic Garden, embracing 220 lots in the centre of our island city,—between Fifth and Sixth Avenues, Forty-eighth and Fifty-First streets,—is now worth at least four hundred thousand dollars,—affording truly a fitting

site for that broad, liberal and comprehensive university, so needed by the whole American world.

It is not unworthy of notice, in examining the course pursued by the College in respect to science, that it got this very land from the State in 1814, under the pretence and assurance of teaching, encouraging, and diffusing science.

The State granted the land expressly as a Botanic Garden, the College gravely submitting to the condition reserved in the act, to deliver "at least one healthy" "exotic flower, shrub, or plant, of every kind of which" "they should have more than one, together with the" "jar or vessel containing the same, to the Trustees of" "each of the other Colleges of this State, who shall" "apply for the same!" I cannot think it very handsome of the College to ask, as it did only five years afterwards, to be released from this duty. It was but a slender return for such a heritage; but science was forgotten, and flowers, shrubs, plants, and Botanic Garden melted into thin air, like the "pure and wholesome water" so notorious in our legislative history. But the land with its hundreds of thousands of money value yet remains, to admonish us, that we owe something to the State, if not to science. For one I shall never think of the land, without hoping that a proper instinct may sooner or later lead us to establish a Botanical Professorship, as some return for the Botanic Garden we agreed to maintain and did not.

For it would not indelibly disgrace even Columbia College, to teach Botany. Classic Oxford is not ashamed to teach it. On the far distant Black Sea, Odessa boasts a noble garden. Another flourishes at Upsala, on the frozen shores of the Baltic,—and even in our own benighted hemisphere, the genius and energy of

DR. RYERSON, the efficient superintendent of Education of Upper Canada, has surrounded the great School at Toronto with eight acres devoted to Botanical Science. Canada eclipsing New-York, may sound strange,—but stranger things have been seen.

But it may be said, and in truth it is loudly said, that notwithstanding these generous donations from the State, and the reasonable implication that all its inhabitants should enjoy equal liberty in the College, “the Episcopalianism” of the College is “an established fact,” and that the Trustees have the right, and are bound in duty to keep it Episcopalian,—in other words, to employ its funds and powers exclusively to support and advance the Episcopal Church. This is the claim which the accredited newspaper organ in this city of a portion of the Church, expressly asserts for it. Nothing can be more false than this assumption, opposed as it is, at once, to history, law, usage, and justice.

For what is meant, by saying that the College is “Episcopalian?” Must it not mean, that a majority of its Trustees are and always must be Episcopalian? that its teachers must be selected, and its teaching directed with a single eye to the maintenance of the doctrines, discipline and ceremonial of that particular Church? Can an Episcopalian College omit from its course of study, the proofs of the Apostolical Succession, and, above all, of the inherent, paramount authority of the Church itself?

The scrupulous care with which the charter divided, among five differing sects, the ecclesiastical authority in the Board, and the superadded vigilance of the Dutch Church to secure a Professorship to guard its peculiar doctrines from invasion, I have already stated.

How then does the Episcopal Church derive its exclusive right?

It is one of the prevailing errors, on this subject, that the College was exclusively endowed by the Episcopal Church, and agreed in return to maintain an exclusively Episcopalian character. An examination of the charter disproves this at once.

It states two facts,—one, that Trinity Church had agreed to furnish lands for the College “worth £3,000 and upwards,”—the other, that the Colony had contributed £3,443. For these two separate donations, it reserves two separate equivalents.

The equivalent to the Church is defined by two clauses, of which the first is this:—

“In consideration of such grant, the *President* of the said College, for the time being, shall for ever hereafter be a member of and in communion with the Church of England, as by law established,” and the second is this:—

“There shall be for ever hereafter, public morning and evening service constantly performed in the said College, morning and evening for ever, by the President, Fellows, Professors, or Tutors, *or one of them*, according to the Liturgy of the Church of England, as by law established, or such a collection of prayers out of said Liturgy and a Collect peculiar for the College, as shall be approved of from time to time by the Governors” (now Trustees) “of said College or the major part of any fifteen or more of them.”

These two clauses embrace the sum total of the equivalent reserved to the Church. The charter does not grant to the Church, even a shadow of authority to appoint the President, or any Professor or other officer, or to direct or interfere with the studies in any

manner, still less to establish any theological or sectarian standard, or to require any test or form of faith. On the contrary, for the very purpose of guarding against any undue influence of the Episcopalian President, it expressly empowers the Trustees exclusively to direct "what books shall be publicly read and taught in the College," and to appoint all Professors and Tutors.

But the charter did reserve to the Colony, then governed by the Crown, an equivalent of priceless value—one that secured to the College for ever, the inestimable right of religious freedom. This great conservative feature is found in that noble clause of the charter, which declares that no ordinance, order or by-law of the College shall extend to "exclude any person of any religious denomination whatever, from equal liberty and advantage of education, or from any of the degrees, privileges, and immunities of the said College, *on account of his particular tenets in matters of religion*,"—and thus this great public institution founded for all British America, came into the world, breathing at its very birth the pure and blessed air of religious liberty, the vital element and condition of its being. Called into life, in an eventful age, just after the Protestant house of Hanover had repelled an invasion to re-establish the civil and religious despotism of the Stuarts, the Whig Ministry purposely imprinted on its charter this all-preserving clause, for ever prohibiting the subjection of the College to any ecclesiastical authority.

But strangely enough, the charter was disfigured by one single feature of intolerance, standing, too, in curious opposition to the present assumption. As a mere political safeguard, and to prevent the possibility of

Jacobite influence, even in this distant colony, it required each Trustee, not only to take an oath to support the Protestant succession, but to subscribe a declaration of his disbelief in Transubstantiation,—so that the only religious body expressly excluded from the control of the College, was that which maintained the doctrines and authority of the See of Rome.

During the Revolutionary struggle, from 1776 to 1783, the College was trodden down, and disappeared. But on the restoration of peace, the State sought it out and brought it anew to life, renovating however, in yet larger measure, every feature of its religious freedom. The first section of the State Statute of April 13th, 1787, swept away every vestige of sectarian authority: first, by enacting that no persons should be Trustees, “in virtue of any offices, characters or descriptions, whatever,” thereby cutting off, at a blow, the heads of the five different sects: next, by dispensing with the oath and declaration, thereby admitting Roman Catholics to equal rights with their fellow-citizens: next, by rendering eligible as President, (so far as the State could lawfully do it,) any person of any religious denomination: and lastly, by dispensing with any particular form of prayer in the College.

The State then appointed twenty-nine individuals Trustees of the College, to be gradually reduced, by death or resignation, to twenty-four, the present number. Of these twenty-nine, only sixteen were Episcopalians, and among the other thirteen was a learned Jewish Rabbi, GERSHOM SEIXAS, who remained for many years an honored and respected member of the Board.

Now I do not refer to this act of the legislature, to approve any part of it, which sought to discharge the

College from any obligation, legal or moral, it owed to Trinity Church ; but simply to show how groundless is the pretence, that the law has made the College Episcopalian, and how fully the State has intended to free it from sectarian shackles.

The Episcopalianism of the President, and the form of prayer in the College, had however been secured, not only by the charter, but by express conditions contained in the conveyance by Trinity Church of the College site. The State had therefore neither legal nor constitutional authority thus to dispense with these conditions, and for one, I trust that the College will always respect not only their legal, but their fair moral obligation, and will honestly perform them, in their true intent and spirit, without diminution or evasion. I hope that the President may always be an Episcopalian, and that the prescribed form of prayer may always be retained. But beyond that point I contend, that neither the legal nor the moral rights of Trinity Church or any other Church, extend an inch.

Statistically it may be true, that a majority of our Board may be Episcopalians, but that fact no more makes the College Episcopalian, than a majority being Democrats would make it Democratic. The accidental preponderance of one or another sect or party, would no more authorize a Trustee of that sect or party to gratify his prejudices, religious or political, at the expense of others having rights as sacred as his own, than it would to convert the pecuniary property of the College to his private use.

But the legal prohibition of religious proscription, is by no means confined to this single clause in the charter. On the 22d of March, 1810, the legislature on the petition of the College, incorporated it anew, by

a single act consolidating and defining its powers and duties. The Board of Trustees named by that act, again contained a large infusion of members not Episcopalian. Not to mention those eminent divines, Doctor LIVINGSTON, Doctor MASON and Doctor ROMEYN, whom do we find but OLIVER WOLCOTT, a Unitarian, and grandfather of WOLCOTT GIBBS!—and to him and his associates did the State then commit the care of the College, the direction of its studies and choice of its Professors. The act also condensed and invigorated the anti-sectarian clause of the charter, by directing that none of the ordinances or by-laws of the College should “make the religious tenets of any person, a condition of admission to any privilege or *office* in the said College.”

Nor was this all. The State immediately after achieving its independence, passed a general law for regulating Colleges and Academies, which broadly declares that “no President or Professor shall be ineligible for or by reason of any religious tenets that he may or shall profess,”—a practical application only, of that noble provision in its Constitution of 1777, that “the free exercise and enjoyment of religious freedom and worship without discrimination, shall for ever hereafter be allowed within this State, to all mankind.” Need we add, that in every successive revision of the laws, this great declaratory provision shines out in living light,—its very diction gaining strength and comprehensiveness, at every step?

It now stands a fundamental portion of the law of the land,—which all good men obey,—summed up in these few but signal words:—

“No RELIGIOUS QUALIFICATION OR TEST shall be required from any Trustee, President, Principal, or other officer of an incorporated college or academy,

or as a *condition of admission* to any privilege in the same."

The constant and uninterrupted current of legislation from 1754 to the present hour, shows conclusively, not only that the law has not made the College exclusively Episcopalian, but has expressly forbidden it to be so, and has guarded the equal rights of every other denomination, by every form of speech known to human law.

Nor has the College by any act or usage of its own, adopted a sectarian character. Not only have all its officers constantly denied the allegation, but the College itself by its own deliberate corporate act has signally disproved it. More than forty years ago, its Board of Trustees created the office of "Provost," for the very purpose of committing to a distinguished Calvinist divine, under that title, the real authority of the President. An Episcopal President nominally remained, to satisfy the legal condition of the conveyance from Trinity Church, but DR. MASON, the Provost,—whom no one will suspect of Episcopalianism,—discharged all the presidential duties not merely formal. I cannot say, that the good faith of the transaction is particularly apparent, but it shows how completely the College intended to divest itself of any sectarian character.

The office of Provost died with DR. MASON, and the actual Presidency of the College has since been honestly filled, as it ought to be, by Episcopalians, but never by any incumbent willing to use his place for any sectarian purpose. I need not tell you that CHARLES KING, the present upright and honored head of the College, long a member of the Episcopal Church, and like others of us, anxious for its advancement in all proper modes,

stands foremost among those, who resist this meditated assault upon religious liberty.

But further still. The Trustees, as a body, by their own official act, have distinctly passed upon this very question. Drawing a distinction between the sciences which may be, and those which cannot be connected, directly or indirectly, with religious truth, they have adopted a Statute, now standing in full force on their records, which provides that,

"Any religious denomination who shall endow a Professorship in the Classics, in Political, Mathematical or *Physical Science*, or in the Literature of any of the ancient or modern Languages, to the amount of twenty thousand dollars, shall *for ever have the right of nominating a professor* for the same, subject to the approbation of the Trustees, who shall hold his office by the same tenure as the other Professors of the College."

Now will any one pretend that after an invitation like this, we could reasonably or honorably reject the nominee of a religious denomination, fitted in all other respects for such a Professorship, for the sole reason that he belonged to that very denomination? Who would not exclaim, that we carried toleration on our lips, but intolerance in our hearts? and surely we can not prescribe one rule of faith for Professors thus selected, and another for those we select ourselves.

The arrogant assumption that "Unitarians have no religion at all," and are not entitled to be called a "religious denomination," I must really pass over, as too absurd for grave discussion. The Jews who worship the God of Abraham and Moses and David, and believe in the Old Testament, are surely a "religious denomination,"—and can we deny that title to Unitarians, who

worship the same God, and believe both the Old Testament and the New?

But I hear it asserted that even if all this be true, —even if the law and our contract with the State plainly prohibit this religious proscription, both may nevertheless be safely and honorably evaded and nullified, —that if any Trustee conscientiously think a Unitarian unfit as such, to be a Professor, he may lawfully take the fact into account in giving his vote, inasmuch as the vote need not be preceded by any by-law, or any declaration of the motive which governs it,—that because this motive is secret and incapable of proof, it will be presumed to be such as the law allows,—and that no one has any right to say, that the vote was not given exclusively with reference to the fitness of the candidate, apart from any religious test or qualification. Summed up in short, it is that the “higher law” of conscience overrides the obligation of any human law, or the solemnity of any human contract, and justifies their violation,—if the act be known only to him who commits it. But if conscience demand or justify such a vote, it equally demands an ordinance or by-law establishing the qualification which governs the vote,—and if the one would be a violation of law and duty, is not the other still less excusable?

But we have little occasion for these nice distinctions, for we hear it avowed in unmistakeable terms by members of our body, that with their present convictions, they cannot and will not vote for a Unitarian. They further distinctly declare, that they would vote for WOLCOTT GIBBS for the present Professorship, if he were a member of Trinity Church, or of the Dutch Church, but that, as at present advised, they must and will vote against him, because he is a Unitarian.

Now on this state of facts, will any one deny, that he is excluded from the Professorship, in the very words of the charter, "*on account of his particular tenets* in matters of religion?"

If he would be qualified for the place, by being a member of Trinity Church, but is disqualified by being a Unitarian, is not this the requiring a "*religious qualification*," which the general law says shall not be required?

If he would be admitted to the office of Professor if a member of Trinity Church, and is not admitted because he attends another Church, is not this "a *condition of admission* to an office" in the College, which the charter of 1810 prohibits?

I revert then to the fundamental proposition with which I commenced, that as Trustees of Columbia College, we hold our offices and the property committed to us by the State, only in trust, for certain definite objects distinctly defined in our charter, and for none other. Neither the promotion of any creed, nor the suppression of any heresy, is among those objects, and to vote with a view to them, is a breach of trust and an abuse of power.

Rely upon it, the community never can be convinced, that if WOLCOTT GIBBS be now rejected, he is not rejected by reason of his religious tenets,—still less that their moral sense can be satisfied, that a mere by-law or resolution to do a wrong, which leaves room for reconsideration until acted on, can be worse than the wrong itself. To maintain that although a by-law excluding a heretic would be unlawful, a direct vote excluding him for heresy would be lawful, will require a casuistry so subtle, as to be generally unintelligible.

The fundamental policy of the law in favor of absolute religious freedom, is not lightly to be evaded. Every device, however ingenious, that tends to undermine it, will have to pass the ordeal of a stern and hostile scrutiny, and I fear not only for the College but for the Church, that those, who are ever ready to adopt any outcry against Her and her ministers, will assert in simple Saxon terms, that the present is not a question of tolerance or intolerance, but of Right and Wrong,—of Good Faith and Bad.

I believe the act, if consummated, to be fraught with mischief and danger, not only to the College, but the Church and her most valued interests. I know that a large body of the laity, and many of the most pious and distinguished of the clergy, speak of it with the sternest reprobation, holding that even religion cannot afford to have it matter of discussion, whether the means used to advance it, are not immoral and unlawful. The great community around us sees and can see nothing, but the plain moral obligation of the law,—the ever enduring sanctity of the contract, which none can violate or evade, without becoming a by-word and reproach.

Nor will the evil end here. Science will feel itself persecuted and insulted in one of her purest and noblest votaries, and, however unjustly, will attribute to religion a secret fear of the studies which open the great book of nature. The cause will be deemed weak, that thus seems to shun the light. Men will revert to the history of the Church,—now all but buried,—which records the imprisonment of GALILEO,—the excommunication of COPERNICUS,—the denunciation, but just withdrawn, of the solar system as heretical,—or looking still further back, to the war upon the Clas-

sics themselves, by a short-sighted, half-educated clergy.

The world was rejoicing in the belief, that the Church was growing wiser,—that Science was standing at her side, the chosen champion, the ablest ally of Written Revelation. The concord so happily commenced, was the bright, the distinguishing feature of this our day and time; why rudely dissolve it? Why lead Religion back, into the gloom of by-gone ages? Why not interweave it into the framework of advancing society? Why not consecrate and share with Man, his victories over Nature? With the whole world emancipating its institutions from needless shackles, what infatuation leads us thus to fetter ours? Why blight the College just budding into usefulness, just come to man's estate?

But there would be no end to the reflections which this broader view of the subject suggests, and I must close. Reared at another institution, and not, like yourself, one of the honored alumni of this, I nevertheless owe her my best affections, my most devoted efforts. Throughout the many years in which it has been my pride to serve her, I have never ceased to strive for her interest and her honor. On an occasion like the present, it was not possible, with any adequate sense of official responsibility, to refrain from expressing, however imperfectly, the views naturally arising of the vital importance of the questions involved. I trust them to the intelligence, integrity, and conscientiousness of those with whom I have the honor to act, in the confident hope that the differences which have divided us, may ere long disappear,—that we may all be found cordially united in the grateful labor of enlarging the scope, and preserving the freedom of a

College, so plainly intended by the sovereign authority as a comprehensive and liberal seat of learning,—that our best and highest ambition will be, to rear on its foundations a broad and ever enduring fabric, befitting our rich Metropolis, our powerful State, our rapidly expanding Empire.

With true regard, respectfully
your friend and colleague,

SAMUEL B. RUGGLES.

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